

REMARKS

Summary of Office Action

Claims 1-60 were pending in the above-identified patent application.

Claims 1, 2, 6, 13, 15, 16, 20, 27, 29, 30, 34, 41, 43, 44, 48 and 55 were rejected under 35 U.S.C. § 103(a) as being obvious from Srinivasan et al. U.S. Pub. No. 2002/0124099 (hereinafter "Srinivasan") in view of Dunn et al. U.S. Patent No. 6,571,390 (hereinafter "Dunn").

Claims 3-5, 7-12, 14, 17-19, 21-26, 28, 31-33, 35-40, 42, 45-47, 49-54 and 56 were rejected under 35 U.S.C. § 103(a) as being obvious from Srinivasan in view of Dunn and further in view of Ellis et al. U.S. Pub. No. 2002/0174430 (hereinafter "Ellis"). Claims 57-60 were rejected under 35 U.S.C. § 103(a) as being obvious from Srinivasan in view of Dunn and further in view of Dow et al. U.S. Pub. No. 2004/0221311 (hereinafter "Dow").

Summary of Applicant's Reply

Applicant has amended independent claims 1, 15, 29 and 43 in order to more particularly define the claimed invention. No new matter has been added and the amendments are fully supported by the originally-filed specification. (See, e.g., applicant's specification at FIG. 27 and page 67, line 17-page 69, line 2.)

The Examiner's rejections are respectfully traversed.

Applicant's Reply

Claims 1, 2, 6, 13, 15, 16, 20, 27, 29, 30, 34, 41, 43, 44, 48 and 55 were rejected under 35 U.S.C. § 103(a) as being obvious from Srinivasan in view of Dunn. Claims 3-5, 7-12, 14, 17-19, 21-26, 28, 31-33, 35-40, 42, 45-47, 49-54 and 56 were rejected under 35 U.S.C. § 103(a) as being obvious from Srinivasan in view of Dunn and further in view of Ellis. Claims 57-60 were rejected under 35 U.S.C. § 103(a) as being obvious from Srinivasan in view of Dunn and further in view of Dow.

Applicant's invention, as defined by amended independent claims 1, 15, 29 and 43, is directed to a method and system for providing a user with playback options while viewing a broadcast television program on user equipment. The method includes providing a streaming version of the broadcast television program from a remote server to the user equipment for use by the user equipment instead of the broadcast television program in response to receiving a request at the remote server from the user to perform a playback option while viewing the broadcast program. Thus, the invention set forth in the independent claims requires that the user equipment receives a remotely streaming version of a broadcast television program in response to a request from the user to perform a playback operation on the broadcast program.

The Office Action asserts that Srinivasan discloses providing the broadcast television program to the

user equipment and providing a streaming version of the broadcast television program to the user equipment instead of the broadcast television program in response received request. See Office Action, page 4. Applicant respectfully disagrees.

Srinivasan relates to a system which receives a broadcast program and temporarily stores the broadcast program. The broadcast program is permanently recorded when a request to permanently record the program is received after a portion of the broadcast program has been received and temporarily stored. See Srinivasan, Abstract.

The Examiner cites to the background section of Srinivasan which states that various playback operations may be performed on a stream of data. Specifically, Srinivasan discloses that "[t]ime shifting allows a user to 'pause' a live broadcast stream of data without loss of data. Time shifting also allows a user to seek forward and backward through a stream of data, and play back the stream of data forward or backward at any speed." Srinivasan, ¶ [0003].

Indeed, performing playback operations on a stream of data is known. However, Srinivasan provides no showing or suggestion of "providing a streaming version of the broadcast television program from the remote server to the user equipment for use by the user equipment instead of the broadcast television program in response to the received request" as required by amended independent claims 1, 15, 29 and 43. In other words, Srinivasan does

not show or suggest that the user equipment receives a remotely streaming version of a broadcast television program in response to a request from the user to perform a playback operation on the broadcast program.

Dunn relates to a video-on-demand (VOD) application which allows viewers to create their own customized lists of preferred video content programs. If the viewer orders a program from the customized list, the program remains available to the viewer for a rental period. Upon expiration of the rental period, the program is no longer readily accessible until ordered again. See Dunn, Abstract.

The portion of Dunn cited by the Examiner further discloses that "[t]he programs and a trailers are transmitted as digital video data streams from headend 22 over distribution structure 30 to homes 24a-24d. . . . A potential viewer can select any one of these video data streams for viewing at any time." Dunn, column 4, lines 53-67.

While Dunn states that a user can select any of the video streams for viewing at any time, Dunn fails to show or suggest "providing a streaming version of the broadcast television program from the remote server to the user equipment for use by the user equipment instead of the broadcast television program in response to the received request" as required by amended independent claims 1, 15, 29 and 43. Thus, Dunn does not show or suggest that the user equipment receives a remotely

streaming version of a broadcast television program in response to a request from the user to perform a playback operation on the broadcast program.

Therefore, Srinivasan and Dunn, taken either alone or in combination, fail to show or suggest "providing a streaming version of the broadcast television program from a remote server to the user equipment for use by the user equipment instead of the broadcast television program in response to the received request, wherein in the streaming version of the broadcast television program is generated before the broadcast of the television program" as required by amended independent claims 1, 15, 29 and 43.

Ellis and Dow, cited by the Examiner as allegedly showing other limitations of applicant's dependent claims, do not make up for the deficiencies of Srinivasan and Dunn relative to the rejection.

For at least the foregoing reasons, applicant respectfully submits that amended independent claims 1, 15, 29 and 43 and claims 2-14, 16-28, 30-42 and 44-60 which depend, directly or indirectly, from claim 1, 15, 29 or 43, are allowable over the prior art of record. Applicant respectfully requests, therefore, that the 35 U.S.C. § 103(a) rejections be withdrawn.

Conclusion

For the reasons stated above, applicant respectfully submits that this application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully Submitted,

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